

## AN OLD BACHELOR'S WILL.

MANY COMPLICATIONS OVER THE CONTEST OF STEPHEN C. DIMON'S ESTATE.

MRS. MARTHA KEELY WANTS IT ALL—SO DO HIS RELATIVES—TORN AND MUTATED DOCUMENTS IN EVIDENCE.

There is an interesting fight now in progress in the Special Term of the Supreme Court, before Justice Ingraham, over the estate of Stephen C. Dimon, an eccentric bachelor who died in 1882, of the value of \$25,000, composed of real estate, securities on deposit in the Merchile Safe Deposit Company, in addition to this, Mr. Dimon left a one-seventh interest in what is known as the "Old Shipyard" property, bounded by Lewis and Third sts. and the East River. The value of this property is estimated at about \$50,000.

No will of Mr. Dimon has ever been found which could be offered for probate, but by the action which is now being brought, brought by Mrs. Martha Keely, she is seeking to establish a lost will, under the provisions of which, she declares, she is entitled to all of the old bachelor's property, to the exclusion of his brothers and sisters. Mr. Dimon was married to Mrs. Keely, and she is now Mrs. Gray, at the house No. 117, East Forty-seventh st., Mrs. Keely's claim, she declared, he executed as a September 3, 1882, the consideration for which was his friendship for her, and her promise to give him care and comfort for the remainder of his days. That instrument she said she was not able to find.

If Mrs. Keely fails in her suit to get possession of the old man's real estate, she will make a claim for the entire personal property, as she declares, that she found before his death he gave her the keys of the safe deposit vaults, and told her that the contents of them belonged to her. His brothers and sisters will resist her claim to the last point, and claim possession of his fortune as his heirs-at-law and next of kin.

The brothers and sisters of the old bachelor have an interesting case to fight. They are a multi-family, which Mr. Dimon executed some time in 1881, containing substantially the same provisions as the alleged lost will. Mrs. Keely, however, intended to revoke the paper. This document has been photographed and examined by an expert in handwriting, who has declared that it is not the will of the testator, but a forgery. The brothers and sisters will insist that by the revocation of this will of 1881, Justice B. T. Morgan testified that on September 30, 1882, he drew a will for Mr. Dimon by which all his property was bequeathed to Mrs. Keely. He also testified that Mr. Dimon had told her of the contents of this will. She was married in 1882, and lives at Hancock, Delaware County, N. Y.

If Grover Cleveland doesn't register he can't vote. Neither can you. Mr. Cleveland doesn't like to vote for Hill and Tammany, but how about you? You want to vote against them. Then register!

## IN FAVOR OF THE BECK WILL.

JUDGE BEACH DIRECTS A JURY TO FIND IT VALID.

—THE LARGE AMOUNT OF PROPERTY INVOLVED.

Before Judge Beach and a jury, in Part IV, of the Supreme Court, was begun yesterday the trial of the suit brought by the Farmers' Loan and Trust Company, as executors of the will of Charles Bathgate Beck, to have the will declared invalid. This proceeding is taken up, after the jury has been sworn, by the testimony of the executors of the will, who are for the prevention of the will, and instead of waiting for dissatisfied relatives to sue, the contestants in the Surrogate's Court are made defendants in the present action.

Benjamin Steinhardt, of the law firm of Howe & Hummel, appeared as guardian ad litem for Charlotte Bathgate, the fifteen-year-old sister of Mrs. Mathilda B. Carter, who was specifically devised the property by the will. Frederick DeVoe appeared as committee for Mrs. Bathgate, who is confined in the Bloomsdale Asylum.

Charles Bathgate Beck died last October, leaving an estate estimated to be worth all the way from \$100,000 to \$500,000. By the will executed on November 8, 1882, he left \$100,000 to the Home for the Cripple, \$50,000 to the Home for the Blind, and the residue of his estate to the Society for the Prevention of Cruelty to Children, \$50,000 to the Columbia College. He also gave \$100,000 to the First Presbyterian Church, in West Farms, for a new church.

Yesterday David May, as counsel for Mathilda Carter, took exception to the proofs, and declared that the executor of the will, the Home for the Cripple, had no right to sue for an affirmation decree instead of waiting for dissatisfied relatives to sue. The contestants in the Surrogate's Court are made defendants in the present action.

## A SET BACK FOR THE HUCKLEBERRY ROAD.

JUSTICE INGRAHAM GIVES AN IMPORTANT DECISION CURTAILING SOME OF ITS OUTRAGEOUS PRIVILEGES.

Justice Ingraham in the Special Term of the Supreme Court gave an important decision yesterday in the suit brought by James Rogers against the Union Railway Company of New York, better known as the "Huckleberry Railroad," to enjoin the building of the railroad through One-hundred-and-thirty-fifth st., upon the ground that the acts under which the company was organized were unconstitutional and void. The defense of the company was that all its proceedings under the act of 1882, which gave it its franchises, were expressly approved, ratified and confirmed by chapter 58 of the laws of 1894. Rogers demurred to this part of the answer, and his demurrer is now sustained by Justice Ingraham, who holds that the act of 1884 referred to is void, because in contravention of the constitutional provision that no local bill shall contain more than one subject, and that must be expressed in its title. The title of the act of 1884 stated that it was "an act to amend chapter 381 of the laws of 1882," but, besides amending that act, it proceeds to "approve, ratify and confirm" all proceedings taken in substantial compliance with the provisions of that act.

"No one," says Justice Ingraham, "from reading the title of this act of 1884, which was expressed in an act to amend chapter 381 of the laws of 1882, would have the slightest idea that it was proposed to confirm to a corporation the right to construct a new railroad through New York City. It appears to me that section 2 of the act of 1884 is clearly in contravention of this constitutional provision and is void."

He leaves to the Appellate Court to decide whether the original acts under which the road claims its existence are constitutional or not.

## THE SUPREME COURT CALENDAR.

Washington, Oct. 25.—The day call in the United States Supreme Court to-morrow will be as follows: Nos. 30, 40, 41, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54 and 55.

## THE COURT OF APPEALS CALENDAR.

Albany, Oct. 25.—The Court of Appeals day calendar for to-morrow is Nos. 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, and 565.

## COURT CALENDARS FOR TO-DAY.

Supreme Court—General Term—Hearings. J. Court opens at 10:30 a. m. Motion calendar called at 11 a. m. Supreme Court—Special Term—Part I—Before Ingraham, J.—Cases to be heard: 1. *People v. [Name]*, 2. *People v. [Name]*, 3. *People v. [Name]*, 4. *People v. [Name]*, 5. *People v. [Name]*, 6. *People v. [Name]*, 7. *People v. [Name]*, 8. *People v. [Name]*, 9. *People v. [Name]*, 10. *People v. [Name]*, 11. *People v. [Name]*, 12. *People v. [Name]*, 13. *People v. [Name]*, 14. *People v. [Name]*, 15. *People v. [Name]*, 16. *People v. [Name]*, 17. *People v. [Name]*, 18. *People v. [Name]*, 19. *People v. [Name]*, 20. *People v. [Name]*, 21. *People v. [Name]*, 22. *People v. [Name]*, 23. *People v. [Name]*, 24. *People v. [Name]*, 25. *People v. [Name]*, 26. *People v. [Name]*, 27. *People v. [Name]*, 28. *People v. [Name]*, 29. *People v. [Name]*, 30. *People v. [Name]*, 31. *People v. [Name]*, 32. *People v. [Name]*, 33. *People v. [Name]*, 34. *People v. [Name]*, 35. *People v. 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